IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 861 OF 2006

Abhisheik Ganesh Pardeshi. ...Petitioner
V/s.
State of Maharashtra & Ors. ...Respondents

Mrs.N.P. Karnik for Petitioner.
Shri A.S. Rao for Respondent No.3.
Shri R.D. Rane, GP for Respondents No.1 and 2.

CORAM : V.G. PALSHIKAR &
V.M. KANADE, JJ.

DATED : JUNE 22, 2006

P.C. :-

. By this petition, the petitioner has challenged the order dated 9th November, 2005 passed by the respondent no.2.

2. On 29th August, 2005, the petitioner made an application for correcting the entry in the Death Register maintained by the Government of Maharashtra in pursuance to the provisions of the Registration of Births and Deaths Act, 1969. The claim in the application is that the entry made in the caste column of the register then existing in relation to the death of the father of the petitioner was wrong and should,

therefore, be corrected.

3. This application is rejected on the ground that in the year when it was made, there was no column for mentioning caste of the deceased and therefore, the application cannot be entertained.

4. This view, in our opinion, is obviously wrong. It is not the case of the respondents that the registers maintained under the Act right from the inception have undergone a change and the column does not exist any more and not in existence. It is obvious that entry of caste after the amendment is not to be made but that cannot absolve the respondents of their responsibility to make corrections in accordance with the provisions of the Act and the Rules. Whether an entry requires correction is not for the authority to determine but the application for such correction cannot be rejected on such incorrect grounds. Hence, petition is allowed. Rule is made absolute in terms of prayer clauses (ai) and (aii).

(V.G. PALSHIKAR, J.)

(V.M. KANADE, J.)